

111TH CONGRESS
1ST SESSION

H. R. 1084

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2009

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commercial Advertise-
3 ment Loudness Mitigation Act” or the “CALM Act”.

4 **SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.**

5 (a) **REGULATION REQUIRED.**—Within 1 year after
6 the date of enactment of this Act, the Federal Commu-
7 nications Commission shall prescribe pursuant to the
8 Communications Act of 1934 (47 U.S.C. 151 et seq.) a
9 regulation that is limited to incorporating by reference and
10 making mandatory (subject to any waivers the Commis-
11 sion may grant pursuant to subsection (b)(2)) the “Rec-
12 ommended Practice: Techniques for Establishing and
13 Maintaining Audio Loudness for Digital Television” (A/
14 85), and any successor thereto, approved by the Advanced
15 Television Systems Committee, only insofar as such rec-
16 ommended practice concerns the transmission of commer-
17 cial advertisements by a television broadcast station, cable
18 operator, or other multichannel video programming dis-
19 tributor.

20 (b) **IMPLEMENTATION.**—

21 (1) **EFFECTIVE DATE.**—The Federal Commu-
22 nications Commission shall prescribe that the regula-
23 tion adopted pursuant to subsection (a) shall become
24 effective 1 year after the date of its adoption.

25 (2) **WAIVER.**—For any television broadcast sta-
26 tion, cable operator, or other multichannel video pro-

1 gramming distributor that demonstrates that obtain-
2 ing the equipment to comply with the regulation
3 adopted pursuant to subsection (a) would result in
4 financial hardship, the Federal Communications
5 Commission may grant a waiver of the effective date
6 set forth in paragraph (1) for 1 year and may renew
7 such waiver for 1 additional year.

8 (c) DEFINITIONS.—For purposes of this section—

9 (1) the term “television broadcast station” has
10 the meaning given such term in section 325 of the
11 Communications Act of 1934 (47 U.S.C. 325); and

12 (2) the terms “cable operator” and “multi-
13 channel video programming distributor” have the
14 meanings given such terms in section 602 of Com-
15 munications Act of 1934 (47 U.S.C. 522).

Passed the House of Representatives December 15,
2009.

Attest:

LORRAINE C. MILLER,

Clerk.